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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,159	01/20/2004	Satish Parolkar	P24473	6660
7055	7590	09/22/2005	EXAMINER	
GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			HOOSAIN, ALLAN	
			ART UNIT	PAPER NUMBER
			2645	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/759,159

Applicant(s)

PAROLKAR ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5,11-18 are rejected under 35 U.S.C. 102(e) as being anticipated by **Holden** (US 6,771,639).

As to Claims 1,11,17 with respect to Figures 1-6, **Holden** teaches a method of collecting information, comprising:

sending an interactive text markup programming language script, using a session initiation protocol (SIP) message, to a communications device, the interactive script including at least a first query and a second query that depends on a response to the first query (Figure 6); and

receiving the response from the communications device, the response being based upon input from a user of the communications device (Figure 6).

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As to Claims 2,13, **Holden** teaches the method of collecting information of claim 1, wherein the received response comprises information of at least one of a location of the communications device, a type of the communications device, a communications format used by the communications device, a communications mode desired by the user of the communications device, a personal identification of the user of the communications device, an account number of the user of the communications device, a password of the user of the communications device, billing information of the user of the communications device, the intent of the user of the communications device, a preferred language of the user of the communications device, and a question from the user of the communications device (Col. 7, lines 60-67).

As to Claims 3,14, **Holden** teaches the method of collecting information of claim 1, wherein the received response is a textual representation of one of a DTMF tone, VoicexML and HTML speech tags (Col. 8, lines 63-67).

As to Claims 4,15, **Holden** teaches the method of collecting information of claim 1, further comprising providing the response to a user of a recipient device (Figure 6).

As to Claims 5,16,18, **Holden** teaches the method of collecting information of claim 1, the response being additionally based upon information provided by the communications device (Col. 7, lines 60-67).

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As to Claim 12, **Holden** teaches the method of interactively pre-screening user information of claim 11, further comprising establishing a communications connection between the communications device and one of a plurality of agent devices, the one of the plurality of agent devices being determined based on the response (Col. 8, lines 1-6).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **LaPorta et al.** (US 5,970,122) in view of **Vo et al.** (US 6,795,444).

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As to Claims 1,6,11,17,19, with respect to Figures 1-3, **LaPorta** teaches a method of collecting information, comprising:

sending MSG 8 (an interactive text markup programming language script), using a session initiation protocol (SIP) message, to a communications device, the interactive script including a lunch request (at least a first query) and lunch request response (a second query that depends on a response to the first query) (Figure 3); and

receiving the response from the communications device, the response being based upon input from a user of the communications device (Figure 3);

LaPorta does not teach the following limitation:

“using a session initiation protocol (SIP) message”

However, it is obvious that **LaPorta** suggests the limitation. This is because **LaPorta** teaches sending messages over the world wide web (Col. 4, lines 25-27). **Vo** teaches sending SIP messages over the world wide web (Figures 1, labels 130,108,138). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add SIP messaging to **LaPorta**’s invention for protocol conversions between networks as taught by **Vo**’s invention in order to provide communications in integrated networks.

As to Claims 2,7,13, **LaPorta** teaches the method of collecting information of claim 1, wherein the received response comprises information of at least one of a location of the communications device, a type of the communications device, a communications format used by the communications device, a communications mode desired by the user of the communications device, a personal identification of the user of the communications device, an account number of

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the user of the communications device, a password of the user of the communications device, billing information of the user of the communications device, the intent of the user of the communications device, a preferred language of the user of the communications device, and a question from the user of the communications device (Figure 3, labels 58,60,62).

As to Claims 3,8,14, **LaPorta** teaches the method of collecting information of claim 1, wherein the received response is a textual representation of one of a DTMF tone, VoicexML and HTML speech tags (Figure 3, label 62).

As to Claims 4,9,15, **LaPorta** teaches the method of collecting information of claim 1, further comprising providing the response to a user of a recipient device (Figure 3, label 50a).

As to Claims 5,10,16,18,20, **LaPorta** teaches the method of collecting information of claim 1, the response being additionally based upon information provided by the communications device (Figure 3 and Col. 11, lines 45-55).

As to Claim 12, **LaPorta** teaches the method of interactively pre-screening user information of claim 11, further comprising establishing a communications connection between the communications device and one of a plurality of agent devices, the one of the plurality of agent devices being determined based on the response (Col. 16, lines 20-34).

Response to Arguments

6. Applicant's arguments filed in the 6/29/05 Remarks have been fully considered but they are not persuasive because of the following:

Double Patenting:

The Terminal Disclaimer was entered and the Double Patenting rejections are withdrawn.

Holden Rejections:

Figure 6 teaches presenting to a display device a cover media (interactive script) with user responses (first response and second response) (Figure 6, labels 512,514). These responses are shown in Figure 5 as selectors at labels 416 and 414 and described at Col. 9, lines 10-28. Examiner respectfully believes that Holden teaches the claim limitations as indicated in the instant office action.

LaPorta and Vo Rejections:

LaPorta teaches the creation of messages and routing of those messages to parties on the Internet. LaPorta does not teach any specific protocol for routing messages over the Internet and suggests some protocol for doing so. Having Vo which teaches SIP protocols for creating and sending messages over the Internet, Examiner respectfully believes that it would have been obvious to combine **LaPorta** with **Vo** to achieve the SIP limitation. In addition, LaPorta teaches that messages are interactive because they require selected responses and replies (see Col. 5, lines 55-61, Col. 11, lines 47-60 and Col. 16, lines 19-34).

Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ball et al. (US 6,240,391) teach creating structured messages with embedded instructions for recipients.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any response to this final action should be mailed to:

Box AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

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(571) 273-8300, (for formal communications; please mark "EXPEDITED PROCEDURE")

Or:


(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to Carlyle, Alexandria, VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.


Allan Hoosain
Primary Examiner
9/16/05